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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590	03/15/2006		EXAMINER	
LERNER, DAVID, LITTENBERG KRUMHOLZ & MENTLIK, LLP 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090-1797			SCHNEIDER, JOSHUA D	
ART UNIT	PAPER NUMBER			2182

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/834,025	KUBOTA, YOSHIYASU	
	Examiner	Art Unit	
	Joshua D. Schneider	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 17 January 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-7 and 10-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-7 and 10-19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 6, 11, and 16, have been considered but are moot in view of the new ground(s) of rejection.
2. With regards to the arguments to the rejection under 35 USC 103(a), the Applicant's argument is based on the fact that the IC card of Richards does carries out the execution of the function processing, and not the main unit. It is clear from the specification that the IC card, or electronic device, of the specification also carries out the execution of the function (see paragraphs 0006 and 0031). It is up to the main unit only to recognize the function to be executed in the IC card in order to prevent errors. The main unit recognizes the function based on whether the function is executed or not executed. When the function is not executed, the function data written by the electronic device does not match the data written by the main unit (paragraphs 31 and 32). In this way the main unit of Richards controls the processing in the same way claimed by the applicant. It is also inherent to Richards that there must be a read and write area in order for the system to be functional.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 1, 6, 11, 16, and dependant claims 2-5, 7, 10, 12-14 and 17-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to

enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

5. With regards to claims 1, 6, and 11, there is nothing in the specification that teaches associating a function with a “type of device.” Applicant teaches the same type of device with different functions, but this is different than having different types of devices. The term device type has a different meaning in the art from which the specification does not distinguish. The device type does not change with different functions being loaded on it. If this were the case, a particular would be a different type of device every time a new firmware was loaded. Such an operation does not change the type of device, but changes the function of it. In the same way a memory card does not cease to be a memory card because a different application is loaded on it, and therefore it is still the same type of device.

6. Dependant claims 2-5, 7, 10, and 12-14 are rejected for incorporating the same unsupported subject matter of the independent claim upon which they depend.

7. With regards to claim 16, the language of independent claim 16 does not match the language of the other independent claims, but does claim functions associated with different devices. The specification does not teach what the difference between any devices is.

8. Dependant claims 17-19 are rejected for incorporating the same unsupported subject matter of the independent claim upon which they depend.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 11, 6, 11, 16, and dependant claims 2-5, 7, 10, 12-14 and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. With regards to claims 1, 6, and 11, it is unclear how the phrase “different types of devices” is being defined as because this is not defined in the specification. In the art this can have at least two different meanings. The first is two devices with different functions. The second is separate instances of devices with the same basic functions and minor differences in data or various device parameters.

12. Dependant claims 2-5, 7, 10, and 12-14 are rejected for incorporating the same unsupported subject matter of the independent claim upon which they depend.

13. With regards to claim 16, the language functions associated with different devices is unclear and does not establish the intended scope of the claims. The specification doe not teach what the difference between any devices is, and therefore it is unclear how different the devices must be. There must be some inherent differences between the devices or the matching of functions would not be necessary and the entire invention claimed would be not be useful.

14. Dependant claims 17-19 are rejected for incorporating the same unsupported subject matter of the independent claim upon which they depend.

15. All further objections and rejections are made in light of the specification as best understood in light of the previous objections and rejections.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent 6,164,549 to Richards in further view of U.S. Patent 6,213,392 to Zuppich.

18. With regards to claim 16, Richards teaches providing a removably connected electronic device (Fig. 2), having a register (memory, Fig. 3, element 110), having a write area and a read area (Fig. 1, and column 4, lines 42-65). Richards then teaches the reading of a code of a function (Fig. 7, and Fig. 5A, element 510, and column 7, lines 19-61). Richards also teaches detection of a requested function, by the comparing the function to the code of the function to be loaded with the functions already loaded in the electronic device (Fig. 5A, elements 520-531, and column 7, lines 19-61). This comparison is used to determine if the function is installed or not installed in the electronic device (Fig. 5A, elements 520-531, and column 7, lines 19-61). Richards does not explicitly teach a read and write are in the register (memory). However, it would have been obvious to one of ordinary skill in the art at the time of invention that the memory must have read and write areas in order to receive the new function command and compare the command against the directory of functions already in the card. Zuppich teaches a main unit that reads a data string from an IC card and compares this data string to a stored cased application string, to identify the card application. If the application is matched, it is executed, and if it does not match, an error message identifying the command as uninstalled (unsupported) is returned (see Fig. 7, and claims 3-5). It is explicit that the codes represent functions, and inherent that these functions are associated with different devices, or there would be no need to check for them. It would have been obvious to combine the function code checking of Richards

with the function code matching of Zuppich in order to identify the limitations of the card with respect the requested reader functions.

19. With regards to claim 17, Richards teaches a list of codes of the functions (directory, column 5, lines 6-67). Richards does not explicitly teach the list being at a predetermined address. It would have been obvious to one of ordinary skill in the art at the time of invention that the list of codes of the functions would have to have been at a predetermined address for it to be accessed by the card operating system and the reader.

20. Claims 1-7 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,164,549 to Richards in further view of U.S. Patent 6,213,392 to Zuppich and U.S. Patent 6,901,299 to Whitehead et al.

21. With regards to claims 1, 6, and 11, Richards teaches providing a removably connected electronic device (Fig. 2), having a register (memory, Fig. 3, element 110), having a write area and a read area (Fig. 1, and column 4, lines 42-65). Richards then teaches the reading of a code of a function (Fig. 7, and Fig. 5A, element 510, and column 7, lines 19-61). Richards also teaches detection of a requested function, by the comparing the function to the code of the function to be loaded with the functions already loaded in the electronic device (Fig. 5A, elements 520-531, and column 7, lines 19-61). This comparison is used to determine if the function is installed or not installed in the electronic device (Fig. 5A, elements 520-531, and column 7, lines 19-61). Richards does not explicitly teach a read and write area in the register (memory). However, it would have been obvious to one of ordinary skill in the art at the time of invention that the memory must have read and write areas in order to receive the new function command and compare the command against the directory of functions already in the card.

Zuppich teaches a main unit that reads a data string from an IC card and compares this data string to a stored cased application string, to identify the card application. If the application is matched, it is executed, and if it does not match, an error message identifying the command as uninstalled (unsupported) is returned (see Fig. 7, and claims 3-5). It would have been obvious to combine the function code checking of Richards with the function code matching of Zuppich in order to identify the limitations of the card with respect the requested reader functions. It is explicit that the codes represent functions, and inherent that these functions are associated with different devices, or there would be no need to check for them. However, neither Richards nor Zuppich teach the association of different types of devices, unless we consider the devices to be different types because of different loaded functions. Whitehead teaches that it was well known in that art at the time of invention to associate functions with the type of device (column 19, lines 21-53). It would have been obvious to one of ordinary skill in the art to use the function and device type association of Whitehead with the function identification of Richards and Zuppich in order to ease the loading of functions by using control register function code groups.

22. With regards to claims 2, 7, and 12, Richards teaches a list of codes of the functions (directory, column 5, lines 6-67). Richards does not explicitly teach the list being at a predetermined address. It would have been obvious to one of ordinary skill in the art at the time of invention that the list of codes of the functions would have to have been at a predetermined address for it to be accessed by the card operating system and the reader.

23. With regards to claims 3 and 13, Richards teaches the determination of a function to be executed after accessing the list at the predetermined address (column 7, lines 19-61).

24. With regards to claims 4 and 14, Richards teaches the determination of a function to be executed after accessing the list at the predetermined address (Fig. 5A, column 7, lines 19-61). Richards teaches a list of codes of the functions (directory, column 5, lines 6-67). Richards does not explicitly teach the list being at a predetermined address. It would have been obvious to one of ordinary skill in the art at the time of invention that the list of codes of the functions would have to have been at a predetermined address for it to be accessed by the operating system.

25. With regards to claims 5, 10, and 15, Richards teaches the enablement of the execution of a function after the determination (column 7, lines 19-61).

26. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,164,549 to Richards as applied to claims 1-7 and 10-17 above, and further in view of U.S. Patent 6,574,677 to Song et al. Richards fails to teach the activation of a driver and the driver enabling the function to be executed. Song teaches the use of a driver for the configuration of the communication method to enable the use of a smart card (column 2, lines 18-25). The use of drivers to establish communication with storage media in media reading devices is common in the art. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the function determination of Richards with the driver enablement of Song to create a reader that can properly interface with media cards in a safe, secure, and reliable manner.

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Schneider whose telephone number is (571) 272-4158. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDS


KIM HUYNH
SUPERVISORY PATENT EXAMINER
